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Attorneys for Defendant Dr. Donald C. Winter,  
 Secretary of the Navy

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

PAULINE M. HORVATH,

Plaintiff,

v.

DR. DONALD C. WINTER, SECRETARY,  
 OF THE NAVY,

Defendant.

No. 07-04952 JSW

**NOTICE OF PLAINTIFF'S APPARENT  
 FAILURE TO TIMELY FILE AND/OR  
 SERVE AN OPPOSITION TO  
 DEFENDANT'S MOTION TO DISMISS**

Defendant Dr. Donald C. Winter, Secretary of the Navy, filed a motion to dismiss on  
 December 26, 2007. *See* Docket Entry No. 9. On January 4, 2008, this Court issued an order  
 requiring Plaintiff Pauline Horvath to "file and serve her opposition to Defendant's motion on  
 January 23, 2008." *See* Docket Entry No. 16. Defendant's counsel has received no opposition,  
 nor does any appear on the Court's PACER website.

Dated: January 25, 2008

Respectfully submitted,

JOSEPH P. RUSSONIELLO  
 United States Attorney

By: /s/  
 Michael T. Pyle  
 Assistant U.S. Attorney